

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DEREK LYNN HENDRICKS,)	
)	
Plaintiff,)	
)	
v.)	1:06CV799
)	
SHERIFF B.J. BARNES and)	
DR. SAMI HASSAN,)	
)	
Defendants.)	

O-R-D-E-R

On May 7, 2007, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Plaintiff objected to the recommendation. With the objections, Plaintiff filed a purported affidavit which was unsigned. Plaintiff also filed additional documents with his objections. The court has reviewed the attachments to Plaintiff's objections and finds that the affidavit should be stricken as insufficient, for it is unsigned and fails to comply with 28 U.S.C. § 1746. Further, the alleged affidavit and other attachments contain no information that was unavailable to Plaintiff before the Magistrate Judge made his recommendation. Those attachments will not be considered by the court.

All other outstanding motions are made moot by this.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

IT IS THEREFORE ORDERED that Defendants' motions to dismiss (Docket Nos. 14 & 18) are **GRANTED** and that Plaintiff's action be dismissed without prejudice. To the extent that any action on the responses is required by the court, the motion to strike is denied. A judgment dismissing this action will be entered contemporaneously with this order.


UNITED STATES DISTRICT JUDGE

DATE: August 3, 2007